



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Chief Administrative Officer
County Counsel
Director of Personnel

At its meeting held May 23, 2006, the Board took the following action:

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The following item was called up for consideration:

Supervisor Burke's recommendation to instruct the Chief Administrative Officer, the Director of Personnel and County Counsel to conduct a comprehensive analysis as to the feasibility of implementing progressive application processes which do not deter qualified and rehabilitated individuals from applying for employment, including, but not limited to, examination of the County and City of San Francisco's recently modified employment application process; and to jointly report back to the Board within 45 days with an implementation plan and any recommendations to modify the County's employment application process.

Supervisor Burke made the following revised statement:

"With a workforce of nearly 100,000 employees, the County of Los Angeles is one of the largest employers in Southern California. Due to the sensitive nature of some of its employment positions, it is essential that County departments screen potential employment applicants for any criminal background that could call into question the candidate's ability to handle sensitive information and valuable public property. This is especially true given the large amount of money and enormous volume of confidential information with which some employees will be entrusted. However, while some employment positions require extensive criminal background checks, the fact of the matter is that the current application system may be deterring otherwise qualified and rehabilitated citizens from reintegrating into the workforce and becoming productive public servants.

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“While the County of Los Angeles certainly should not engage in the practice of hiring hardened criminals to perform sensitive governmental functions, it should be able to evaluate individual employment applications without deterring potential qualified applicants. The current County Employment Application requires a full disclosure of convictions, except those that are exempted by a valid court order. Regardless of whether the conviction would bar an individual from employment, the application requirement for full and upfront disclosure of previous convictions could imply that otherwise qualified/rehabilitated candidates will not be seriously considered for employment.

“Therefore, employment applications should not require upfront disclosure of criminal convictions for positions where such history would not hinder the duties of a particular employment position. For example, it may be appropriate to require disclosure of criminal convictions only after County departments demonstrate an interest in hiring a particular candidate. This practical modification would allow the County to continue screening out any questionable individuals while allowing qualified and rehabilitated candidates to rejoin the workforce as productive taxpaying citizens. In keeping with our criminal justice goal of rehabilitation and this Board’s existing policy of evaluating employment applications on a case-by-case basis, it is imperative that the ‘up front’ disclosure requirement be modified.”

Therefore, Supervisor Burke made a motion that the Board instruct the Chief Administrative Officer, Director of Personnel and County Counsel to:

1. Conduct a comprehensive analysis to determine the extent to which departments are inappropriately disqualifying applicants due to prior convictions;
2. Examine the feasibility of implementing an application process which does not deter qualified and rehabilitated individuals from applying for employment, with the review to include, but not be limited to, examination of the County and City of San Francisco's recently modified employment application process;
3. Develop recommendations to improve training of human resources personnel in order to eliminate any unfair discrimination against qualified and rehabilitated applicants; and

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4. Jointly report back to the Board within 45 days with any recommendations to modify the County's employment application process as described herein.

Michael J. Henry, Director of Personnel, responded to questions posed by the Board.

Susan Burton, representing A New Way of Life, Edward Garrett, representing Ex-Offender Action Network, Ely Flores and Kim McGill, representing Youth Justice Coalition, Amanda Perez, Executive Director, representing A.D.E.L.A.N.T.E./Moving Forward, Dr. David Sanchez and other interested persons addressed the Board.

After discussion, Supervisor Yaroslavsky made a suggestion that Supervisor Burke's aforementioned Recommendation No. 2 be amended to read as follows: "Examine the feasibility of implementing an application process which does not deter qualified and rehabilitated individuals from applying for employment when such is the case." Supervisor Burke accepted Supervisor Yaroslavsky's amendment.

The Mayor ordered a division the question.

On motion of Supervisor Burke, seconded by Supervisor Yaroslavsky, unanimously carried (Supervisor Knabe being absent), the Board approved Recommendation No. 1 of Supervisor Burke's aforementioned motion.

On motion of Supervisor Burke, seconded by Supervisor Yaroslavsky, duly carried by the following vote: Ayes: Supervisors Molina, Burke, Knabe, and Yaroslavsky; Noes: Supervisor Antonovich (Supervisor Knabe being absent), the Board approved Recommendation Nos. 2, 3 and 4 of Supervisor Burke's aforementioned motion.

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